

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 773 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and
MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

HARIJAN KHODABHAI KARKHABHAI

Appearance:

MR. D.N. PATEL, Addl. P. P. for the appellant.

CORAM : MR.JUSTICE N.J.PANDYA and
MR.JUSTICE H.L.GOKHALE

Date of decision: 03/02/97

ORAL JUDGEMENT (per N.J. Pandya, J)

The incident is of 17.6.1990 in which Devuben, wife of the accused No. 2 died by committing suicide. For this purpose, she had gone to railway track and was run over by a train. The complaint came to be filed on 21.6.1990. Though as admitted by the complainant, the accused side had informed the complainant who happened to

be from the parental side of the deceased of the unfortunate incident, in the complaint they claimed that the information was received by way of telegram. It necessarily contradicts their version in the complaint. Late filing of the F.I.R. is also not explained.

2. On the basis of it there is hardly any reliable evidence for accepting that the accused of Scheduled Castes had a practice of insisting upon certain minimum amount of ornaments and clothes and therefore non-supply of it by the parents of the deceased had led to the incident. In our opinion, the learned Additional Sessions Judge, Bhavnagar, has therefore rightly acquitted the accused in Sessions Case No. 139 of 1990. We would, therefore, not interfere with the said finding given on 21.6.1996 in this acquittal appeal. Hence the appeal is dismissed.

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